

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

DARLENE SUE SACCO,

Plaintiff,

vs.

Civil Action No.: 5:12-cv-6-RLV-DCK

BANK OF AMERICA, N.A., Successor by
Merger to BAC HOME LOAN
SERVICING, L.P.,

Defendant.

**CONSENT MOTION FOR
EXTENSION OF TIME TO RESPOND TO COMPLAINT**

COMES NOW Defendant Bank of America, N.A., as successor by merger to BAC Home Loans Servicing, LP¹ (“BANA”), by and through its undersigned counsel and, pursuant to Rule 6 of the Federal Rules of Civil Procedure and Rule 7.1 of the Western District of North Carolina Local Rules of Civil Procedure, moves the Court to extend the time for filing and serving an answer, motion or other responsive pleadings to the Complaint against BANA filed by the Plaintiff Darlene Sue Sacco. (the “Complaint”) for thirty (30) days.

1. In support of this Motion, Plaintiff Darlene Sue Sacco (“Plaintiff”) filed the underlying action (the “Action”) in the Superior Court of North Carolina for Iredell County on December 21, 2011 and served BANA on December 22, 2011.

2. On January 23, 2012, BANA removed the Action to this Court.

¹ Plaintiff indicated that she was suing Bank of America, N.A. as successor by merger to BAC Home Loan Servicing, LP; however, there is no known legal entity by the name of BAC Home Loan Servicing, LP. It is assumed that this is a misnomer and Bank of America, N.A. is named in its capacity as successor by merger to BAC Home Loans Servicing, LP.

3. Counsel for BANA contacted counsel for Plaintiff who, on January 20, 2012, consented to this request for an extension of time for filing and serving an answer, motion or other responsive pleading to Plaintiff's complaint.

4. BANA and Plaintiff are in the midst of settlement discussions and seek to extend the time for BANA to file a responsive pleading for a brief period of time while the parties attempt resolution of the case.

5. Upon information and belief, Plaintiff will not suffer any prejudice as a result of this extension of time and this motion, should it be granted.

6. The time for BANA to file and serve an answer, motion, or other responsive pleading has not expired and good cause exists for granting this motion.

7. Plaintiff has not requested waiver of service of process.

WHEREFORE, BANA hereby requests that the time for filing and serving an answer, motion, or other responsive pleadings to Plaintiff's complaint be extended by thirty (30) days from January 30, 2012 to and including February 29, 2012.

Respectfully submitted this the 26th day of January, 2012.

MCGUIREWOODS LLP

BY: /s/ Andrew F. Lopez
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*Counsel for Bank of America, N.A., as
successor by merger to BAC Home Loans
Servicing, LP*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on January 26th, 2012 a copy of the foregoing
CONSENT MOTION FOR EXTENSION OF TIME TO RESPOND TO COMPLAINT
was served upon all parties to this action as follows:

Via the CM/ECF System:

M. Shane Perry, Esq.
Collum & Perry, PLLC
P.O. Box 1739
Mooresville, NC 28115
Attorney for Plaintiff

/s/ Andrew F. Lopez
Andrew F. Lopez